

UNITED STATES DISTRICT COURT

for the

District of New Mexico

Mitchell R. Elfers
Clerk of CourtUnited States of America
v.Ruben Padilla
YOB: 1977

Case No.

22mj536

Defendant(s)

AMENDED

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 05, 2022 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 751(a)

Whoever escapes or attempts to escape from custody of the Attorney General or his authorized representative, or from an institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or magistrate judge or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Robert Medina, Deputy U.S. Marshal

Printed name and title

Sworn telephonically, signed electronically

Date: 04/06/2022City and state: Albuquerque, New Mexico

Judge's signature

Jerry H. Ritter, United States Magistrate Judge

Printed name and title

STATEMENT OF FACTS

AFFIDAVIT

I, Robert Medina, being duly sworn, do hereby declare and state the following:

1. I, Robert Medina, a Deputy U.S. Marshal assigned to the District of New Mexico, have been with the U.S. Marshals Service for eleven (11) years. I am currently assigned to the Operations and Enforcement Division. One of my responsibilities is to apprehend prisoners that escape from the custody of an institution or facility in which he/she is confined by order of the Attorney General as required by 18 U.S.C. § 751. As a Deputy U.S. Marshal, I am authorized under 28 U.S.C. § 564 to enforce the laws of the United States, which includes the apprehension of Federal Fugitives.
2. All of the facts set forth in this affidavit are personally known to me or have been made known to me by other sworn law enforcement officers.
3. This affidavit is made in support of a criminal complaint charging Ruben Padilla with escape from the custody of an institution or facility, in violation of 18 U.S.C. § 751(a).
4. Criminal and Federal Bureau of Prisons records indicate that on or about August 18, 2020, Ruben Padilla pled guilty and was convicted of 18 U.S.C. §§ 922(g)(1) and 924, that being felon in possession of a firearm and ammunition. On December 7, 2020, Chief Judge William Johnson sentenced Padilla to serve 48 months in the custody of the Federal Bureau of Prisons and a term of supervised release of 3 years.
5. Also on December 7, 2020, Chief Judge William Johnson sentenced Padilla to 18 months imprisonment after a supervised release violation from a prior conviction of 18 U.S.C. §§ 922(g)(1) and 924, felon in possession of a firearm and ammunition.
6. On March 24, 2022, Padilla was placed at Dismas Charities, Inc. at 2331 Menaul Boulevard NE, Albuquerque, NM 87107 by the Bureau of Prisons and signed the Acknowledgement of Custody form that states "I understand that I am in the custody of the Attorney General of the United States. I further understand that leaving the Residential Center without permission of the Center Director or his/her authorized representative, shall be deemed an escape from the custody of the Attorney General".
7. On March 25, 2022, Federal Bureau of Prisons Duty Officer notified the United States Marshals Service of the Notice of Escaped Federal Prisoner flyer that states the following: "at approximately 2:24 PM inmate Ruben Padilla was observed walking out of the front door with all of his belongings and heading west on Menaul Blvd. Padilla has not returned as of this writing."
8. On April 04, 2022, I spoke with Director Mitchell Anderson of Diersen Charities Albuquerque, NM who confirmed that Padilla had not returned to the facility.

9. Based on the aforementioned facts, your Affiant respectfully submits that probable cause exists to charge Ruben Padilla with violation of 18 U.S.C. § 751(a), for escape from an institution or facility in which he is confined by direction of the Attorney General, or the authorized representative being the Federal Bureau of Prisons.


Complainant's signature


Printed name and title

Sworn telephonically and signed electronically.

Date: 4/6/2022


Judge's signature

City and state: Albuquerque, NM

Jerry H. Ritter, US Magistrate Judge
Printed name and title